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10/091,269

03/04/2002

Akira Miyata

02131/LH

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1933 7590 09/11/2007
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EXAMINER

PHAM, THIERRY L

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/091,269

Applicant(s)

MIYATA ET AL.

Examiner

Thierry L. Pham

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

- This action is responsive to the following communication: an amendment filed on 6/13/07.
- Claims 1-3, 8, and 19 are currently pending; claims 4-7 & 9-18 have been canceled.
- Amendment filed 6/13/07 with respect to the specification (title) has been received and considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al (US 6975421) and in view of Fujitani et al (US 20010034747).

Regarding claim 1, Hashimoto discloses a printing service system comprising:

- a server device (printer 30 also serve as a web server, fig. 1, col. 10, lines 40-67) which comprises a storage portion (hard disk 34, fig. 1) having a main image and a thumbnail image (store both main image and thumbnail image, fig. 5-6, col. 3, lines 55-67) corresponding to the main image stored therein;
- a portable device (client terminal 40, fig. 1) which provides access to the server device via a network (network W, fig. 1) to receive a desired thumbnail image and an image number corresponding (thumbnail image and its number, fig. 5-6, wherein thumbnail image represents actual print data stored in hard disk 34) thereto from the server device, and which transmits the image number corresponding to the thumbnail image;
- a printing device (printer engine 38, fig. 1) which receives the image number transmitted from the portable device, and which downloads (downloads from hard disk 34 to printer engine 38, fig. 1) from the server device via the network the main image corresponding to the thumbnail image specified by the image number transmitted from the portable device, and which prints the downloaded main image (actual print data, fig. 3).

Hashimoto teaches a portable device (e.g. notebook PC) for accessing the image server, but fails to teach and/or suggest a portable device is a portable telephone for accessing image server, and wherein the image server device collects a print charge for printing the main image by the printing device by adding the print charge to a telephone call charge.

Fujitani, in the same field of endeavor for printing (fig. 1), teaches a well known example of a portable telephone (portable device 21 such as cell phone, figs. 1-2) for accessing image server (content image server, par. 54-57), and wherein the image server device collects a print charge for printing the main image by the printing device by adding the print charge to a telephone call charge (fig. 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Hashimoto to allow portable telephone to access its image server for a fee which was taught by Fujitani because of a following reason: (●) to increase revenue by allowing wireless mobile access to image server; (●) increase operating efficiency by allowing multiple types of devices (desktop PC, notebook PC, PDA, and etc) to access the image server.

Therefore, it would have been obvious to combine Hashimoto with Fujitani to obtain the invention as specified in claim 1.

Regarding claim 2, Fujitani further discloses a printing service system according to claim 1, wherein the portable telephone further comprises a display portion (portable device's display unit 215, fig. 3) to display the thumbnail image and an input portion (input unit 216, fig. 3) for a user to input a command.

Regarding claim 3, Fujitani further discloses a printing service system according to claim 1, wherein the portable telephone further comprises a storage portion (RAM 218, fig. 3) which stores a thumbnail image and a display portion to display a thumbnail image.

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Regarding claims 8 & 19 recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claims 8 & 19 are rejected for the same rejection rationale/basis as described in claim 1.

Response to Arguments

Applicant's arguments with respect to claims 1, 8, and 19 have been considered but are moot in view of the new ground(s) of rejection due to newly added features/limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER